

Filed in Madison District Court  
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IN THE DISTRICT COURT OF MADISON COUNTY, NEBRASKA

LINDA M. DIXON,

Plaintiff,

v.

BRIAN LEE VERLEY, and  
JOHNSON FEED INC.,  
A Corporation,

Defendants

Case No CI12 - \_\_\_\_\_

**COMPLAINT  
(In Law)**

Comes now the Plaintiff, Linda M. Dixon, and for her Complaint against the Defendants to recover damages arising and resulting from an auto/truck accident, alleges:

1. Plaintiff is a single person of nineteen years of age, born January 16, 1993, and was at the time of the accident operating a 1990 Cadillac Deville owned by her father, John Dixon

2. Defendant Brian Lee Verley was, at the time of the accident, a resident of Lake Preston, South Dakota, and was at the time of the accident an employee of Defendant Johnson Feed, Inc., operating a 2011 Kenworth Tractor, owned by his employer.

3. The aforesaid accident occurred on November 23, 2010 in the Northbound curb lane in 100-200 block of North 13<sup>th</sup> Street (US Highway #81) in the City of Norfolk, Madison County, Nebraska;

4. At the time of the accident Brian Lee Verley, traveling North in the middle lane of North 13<sup>th</sup> Street, attempted to change lanes from the inside lane of traffic to the outside (curb) lane of traffic, when looking to his rear to clear traffic coming from the South in the curb lane, when he suddenly and violently struck the rear end of the vehicle Plaintiff was operating, who, at the time of the accident, was North of Defendant, in the curb lane of traffic, and was proceeding North in such lane, but reasonably and prudently braked in anticipation of a pedestrian (a mailman) who appeared ready to cross 13<sup>th</sup> street in front of her vehicle.

**EXHIBIT A**

5. As a result of said accident, the Plaintiff suffered a whiplash type of injury to her cervical, upper back and abdominal wall, with increasing pain in her lower back and right hip with numbness of her right buttocks and posterior thigh. As a result of such injuries Linda Dixon has been diagnosed as suffering lumbar spondylolisthesis retrolisthesis of L5-S1, a large annular tear at L5/S1, a Moderate annular tear at L4/5 all of which are severely painful and functionally limiting. Linda has not attained maximum medical improvement as of the date of this Complaint, and her physicians anticipate a need for extensive medical services in the future. At such time that Linda has attained maximum medical improvement, and she has received a prognosis of her permanent impairment, she will amend this Complaint to include the same.

6. As a proximate result of the negligence of the Defendant, it was reasonably necessary for Linda to obtain medical services to diagnosis and treat such injuries, and she has incurred medical specials in the sum of \$19,235.00 from the time of the accident to August 27<sup>th</sup>, 2012 (the date of the most recent medical services invoices received by the undersigned). Upon receipt of invoices for medical services Linda is now receiving, and for future medical services until Linda obtains maximum medical improvement, we will amend this Complaint to include the same.

**WHEREFOR**, Plaintiff prays for judgment in favor of Plaintiff and against the Defendant in the sum of \$19,235 special damages, and general damages, and to recover her costs herein.

LINDA M. DIXON, Plaintiff,

STRATTON, DELAY, DOELE, CARLSON &  
BUETTNER, P.C., L.L.O.,  
Her Attorneys

BY /s/ Thomas H. DeLay  
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**PRAECIPE**

Please issue summons for the Defendant(s) Brian Lee Verley, and Johnson Feed Inc., a South Dakota Corporation, endorsed and returnable according to law, and deliver such summons, together with a copy of the Complaint for service as follows:

[ ] To the Sheriff of \_\_\_\_\_ County, Nebraska for [ ] personal or [ ] residential service upon the Defendant whose name and address are set forth below:

Name: Brian Lee Verley  
202 Spring Ave  
Lake Preston, SD 57249-2102

Johnson Feed Inc  
305 W. Industrial Rd.  
Canton, SD 57013

[X] To the undersigned for restricted certified U.S. Mail, postage prepaid, return receipt requested, on the Defendant(s) at the foregoing home or business address.

/s/ Thomas H. DeLay  
Thomas H. DeLay, #10973  
Attorney for Plaintiff